

Joe Lombardo
Governor



Nicole Canada, DC
President
Xavier Martinez, DC
Vice President
James T. Overland Sr., DC
Secretary-Treasurer

Morgan Rovetti, DC
Member
Benjamin S. Lurie, DC
Member
Christian L. Augustin, Esq.
Consumer Member
Reza R. Ayazi, Esq.
Consumer Member
Julie Strandberg
Executive Director

CHIROPRACTIC PHYSICIAN'S BOARD OF NEVADA

4600 Kietzke Lane, M-245 | Reno, Nevada 89502-5000
Phone: (775) 688-1921 | Fax: (775) 688-1920
Website: <http://chirobd.nv.gov> | Email: chirobd@chirobd.nv.gov

A meeting of the Chiropractic Physicians' Board was held on Thursday, January 12, 2023 at the Fairfield Inn & Suites Las Vegas Airport South, 355 East Warm Springs Road, Las Vegas, NV 89119 and by zoom conference.

The following Board members were present at roll call:

Nicole Canada, DC, President
Morgan Rovetti, DC, Board Member
Benjamin S. Lurie, DC, Board Member
Christian L. Augustin, Esq., Consumer Member
Reza R. Ayazi, Esq., Consumer Member

Also, present were Board Counsel, Louis Ling, Esq. and Executive Director, Julie Strandberg. Xavier Martinez, Vice President was not in attendance.

President, Dr. Canada determined a quorum was present and called the meeting to order.

Dr. Canada led those present in the Pledge of Allegiance. Dr. Rovetti stated the Purpose of the Board.

Dr. James T. Overland Sr., DC, Secretary-Treasurer was present.

Agenda Item 1 Public Interest Comments - No action.

There were no public interest comments.

Agenda Item 2 Approval of agenda – For possible action.

Mr. Augustin moved to approve the agenda. Mr. Ayazi seconded, and the motion passed with all in favor.

Agenda Item 3 Approval of the October 13, 2022 Board Meeting Minutes. - For possible action.

January 12, 2023

Dr. Overland moved to approve the October 13, 2022 Board meeting minutes. Mr. Ayazi seconded, and the motion passed with all in favor.

Agenda Item 4 Legislative Matters – For possible action.

Dan Musgrove with Strategies 360 was present and shared that there are over 82 bill draft requests that refer to healthcare and eleven of those bills mention boards and commissions. Mr. Musgrove shared reasons why it is important for the board to have a lobbyist/legislative advocate on its behalf, to include, keeping the board aware of bills that have an impact as well as keeping the legislators educated about board business. Mr. Musgrove stated that he has reached out to Assemblywoman Doran who is sponsoring language that is still in BDR status that refers to chiropractic physicians. Mr. Musgrove stated that Senator Edgar Flores is introducing a SJR to amend the constitution dealing with boards and commissions, however the language has not been shared. Mr. Musgrove stated that following last session there has been a lot of talk about creating a “super-board” under Business & Industry, which would move all board positions under one department.

Agenda Item 8 - Discussion and potential action regarding the contract regarding legislative and governmental affairs – For possible action.

Dr. Canada confirmed that this will be the third session Mr. Musgrove has advocated for this board. Julie Strandberg asked if the board would like to provide names of other lobbyists or amend the contract with Mr. Musgrove/Strategies 360.

Dr. Lurie moved to extend the contract with Strategies 360 for two years following the current expiration date of June 30, 2023. Mr. Ayazi seconded. Dr. Overland stated that in order to be transparent we should table this agenda item until April when we have a full board. Dr. Lurie reminded the board that there has not been a full board in attendance for over a year. The motion passed with Dr. Overland and Dr. Rovetti opposing.

Agenda Item 23 Committee Reports

B. Legislative Committee (Dr. Overland) – For possible action

Dr. Overland stated that he was contacted by Dr. Marcia Tinberg, President of the NCA who has been in communication with Assemblywoman Bea Duran who supports the NCA submitting a bill to allow chiropractic physicians to return players to the field following a head injury or concussion. The NCA presented this bill during the 2021 legislative session, however the Osteopathic Association testified that chiropractic physicians did not have the proper education. Dr. Overland asked if the board would provide their support. Mr. Ling stated that once the language is introduced the board can hold an open meeting and vote on the language.

Agenda Item 1 Public Interest Comments - No action.

Due to an issue with the sound over zoom this item was re-addressed.

Dr. Dunleavy stated that he was in attendance to continue the discussion from the previous board meeting, regarding what a chiropractic assistant is allowed to do or not allowed to do.

Dr. Rovetti confirmed that the intent of the proposed revisions is to avoid allowing CA's work forever without passing the exam. Dr. Rovetti asked that the board consider defining an open-book exam. Dr. Rovetti referred to the NBCE reviewing the exam and indicated that it may be impossible to administer a good test that is going to protect the public since DC's do different things in their practices. Dr. Rovetti referred to the proposed new language regarding following

January 12, 2023

two fails the CA will have to stop working as a CA until they pass the exam, which will be offered monthly. Dr. Rovetti believes that the board will get some push back from the legislative committee if a CA cannot work until they pass the exam.

Agenda Item 5 – PUBLIC HEARING for the adoption of a Regulation to Nevada Administrative Code Chapter 634 – For possible action.

Dr. Canada opened the hearing for public comments. Dr. Dave Rovetti stated that the regulation to allow continuing education for attending a board meeting is a great idea, however asked that the time attended be clarified.

Dr. Canada closed the hearing for public comments and opened for board discussion. Dr. Rovetti stated that the language needs to be clearer with respect to how time at the meeting will be calculated and how the hours would be tracked. Dr. Lurie recommended that a policy be set with respect to how attendance will be kept, certificates be issued, and how time spent at the meeting will be calculated. Dr. Lurie recommended that a licensee that is appearing before the board due to a disciplinary hearing should be excluded from obtaining continuing education credits and believes that this language needs to be included.

Mr. Augustin stated that it may be necessary to provide clarity regarding the number of continuing education hours, by adding “up to” four hours and include that if you are here for disciplinary you are excluded from receiving CE. Mr. Ling stated that he will amend the language and bring it back to the board for review.

Agenda Item 6 - Discussion and potential action regarding the Application for DC license for Donna Heckeler, DC – For possible action. (Note: The Board may go into closed session pursuant to NRS 241.030 to consider the character alleged misconduct, or professional competence of Dr. Heckeler)

Dr. Canada welcomed Dr. Donna Heckeler. Mr. Ayazi moved to go into closed session. Dr. Lurie seconded, and the motion passed with all in favor. Dr. Canada confirmed that Dr. Heckeler had not practiced chiropractic since graduation and to date had not taken any continuing education. Dr. Heckeler stated that she had adjusted family, but has not been licensed to practice. Dr. Rovetti asked Dr. Heckeler to expand on adjusting family members. Dr. Heckeler stated that she has adjusted her husband, sister, her sisters children and her parents in her home, but never in an office setting and confirmed that she hasn't generated a bill or kept records. Dr. Canada asked if she felt competent to practice and Dr. Heckeler stated that she has a potential job with the Joint and expects that it will be hands-on and there will always be another DC available to assist. Dr. Canada asked if she had a DC mentor that she worked with and Dr. Heckeler stated that there are several DC's that she graduated with that she has kept in touch with and sees what is going on in their practice and visits with one of her colleagues that is in Las Vegas, but hasn't been in a setting where she is in constant contact with the DC.

There was much discussion around Dr. Heckeler not practicing since she graduated from chiropractic college in 2005. The other concern was that Dr. Heckeler confirmed that she practiced chiropractic without a license.

Dr. Canada made a motion to go back into open session. Dr. Overland seconded, and the motion passed with all in favor.

Dr. Overland made a motion to table the application, that Dr. Heckeler take the Special Purposes Examination for Chiropractic (SPEC) through the National Board of Chiropractic Examiners and take and pass the Boundary Violations, Professional Standards and Unprofessional Conduct sections of the Ethics and Boundaries Assessment Services (EBAS). Dr. Heckeler shall

January 12, 2023

then return before the board upon completion and passing the exams, at which time the board will recommend the necessary continuing education courses. Dr. Lurie seconded, and the motion passed with all in favor.

Agenda Item 10 NCA Report – No action

Dr. Marcia Tinberg submitted an NCA update in writing. A copy was provided to each board member to review.

Agenda Item 11 NCC Report – No action

A representative from the NCC was not in attendance to report.

Agenda Item 12 Board Counsel Report – No action

Mr. Ling stated that he had nothing to report.

Agenda Item 9 Discussion and potential action regarding the psychometric analysis of the Board’s chiropractor’s assistant materials completed by the NBCE. – For possible action

Dr. Bruce Shotts attended by zoom and provided an overview of the exam analysis completed by the NBCE. Dr. Shotts commented that it is abnormal to have a different pass-rate with 75% for the in-person exam and 90% for the on-line, open-book exam. Dr. Shotts indicated that approximately 2/3 of the questions on the existing exam need to be re-written for a couple reasons, one being to eliminate true/false questions and two being the wording. Dr. Overland asked if the NBCE could provide the questions that need to be re-written and Dr. Shotts confirmed that once the NBCE updates the exams the board will have the opportunity to review and provide feedback. Dr. Lurie asked whether the board has the option to pay the NBCE to write the exam questions and turn the exam over to the board, or is this all or nothing, where the NBCE writes the exam and takes it over. Dr. Shotts stated that he will confirm whether that is feasible. Dr. Overland made a motion to table. Dr. Canada seconded, and the motion passed with all in favor.

Agenda Item 14 Discussion and potential action regarding the interpretation of NAC 634.348(2)(f) and what was intended to be authorized as “assisting the supervising licensee with an examination of a patient.” – For possible action

Mr. Ling stated that at the board’s direction he reviewed the question from the DC and reviewed the law to reach his conclusion by determining that assisting is different than performing. Mr. Ling stated that it appears that clinical judgement processes should be done by the DC and not delegated to the CA. The gathering of routine information, that does not require medical judgement seem to be appropriate duties for the CA. Mr. Ling stated that if the board is not satisfied with his conclusion the board can determine the duties allowed by the CA in terms of examinations. Dr. Lurie stated that it is ultimately the responsibility of the DC to ensure that the CA is properly trained on the exam(s) that they are administering, so the CA’s duties should be handled on a case-by-case basis. Dr. Canada asked Dr. Dunleavy if he had any questions and he asked, “What does assisting mean?” Mr. Augustin stated that as he reads Mr. Ling’s interpretation, assisting can be more defined as under the supervision and control of the chiropractic physician. Dr. Overland stated that if the CA is properly trained by the DC on the exam that is being performed it should be permissible for the CA to perform the duty.

Agenda Item 23 Committee Reports

- A. Continuing Education Committee (Dr. Martinez) – For possible action.**
Dr. Martinez was not present to report.
- B. Legislative Committee (Dr. Overland)**
This item was discussed earlier in the meeting.
- C. Preceptorship Committee (Dr. Rovetti) – For possible action.**
Dr. Rovetti reported that there are currently two preceptors.
- D. Test Committee (Dr. Canada) - For possible action.**
Dr. Canada stated that she had nothing further to report from what was already discussed.

Agenda Item 21 FCLB/NBCE Matters – For possible action.

- A. Selection of Board's choice for FCLB Voting Delegate**
Dr. Overland expressed interest in being the FCLB voting delegate. Mr. Ayazi made a motion to approve. Dr. Lurie seconded, and the motion passed with all in favor.
- B. Selection of Board's choice for FCLB Alternate Delegate**
Dr. Rovetti expressed interest in being the FCLB alternate delegate. Mr. Ayazi made a motion to approve. Dr. Overland seconded, and the motion passed with all in favor.
- C. Selection of Board's choice for NBCE Voting Delegate**
Dr. Lurie expressed interest in being the NBCE voting delegate. Mr. Ayazi made a motion to approve. Dr. Overland seconded, and the motion passed with all in favor.
- D. Selection of Board's choice for NBCE Alternate Delegate**
Dr. Canada expressed interest in being the NBCE alternate delegate. Mr. Ayazi made a motion to approve. Mr. Augustin seconded, and the motion passed with all in favor.
- E. Attendance of Board Member(s) at the FCLB's 96th Annual Educational Congress April 26-30, 2023 Palm Beach, FL**
Dr. Overland and Mr. Ayazi stated that they would be interested in attending. Dr. Overland made a motion that the board pay for up to four board members to attend. Mr. Ayazi seconded, and the motion passed with all in favor.
- F. Selection of Board Member to participate in the Spring National Board Part IV Exam - May 20-21, 2023**
Dr. Rovetti expressed interest in attending the Spring Part IV examination. Mr. Ayazi made a motion to approve. Dr. Lurie seconded, and the motion passed with all in favor. Dr. Overland expressed interest in attending the Spring Part IV examination. Mr. Ayazi made a motion to approve. Dr. Rovetti seconded, and the motion passed with all in favor.
- G. Selection of Board Member to participate in the National Board Part IV Test Committee meeting - June 23-24, 2023**
There were no board members available to attend.
- H. Selection of Board Member to participate in the Fall National Board Part IV Exam - November 11-12, 2023**
Dr. Canada expressed interest in attending the Fall Part IV exam. Mr. Ayazi made a motion to approve. Dr. Lurie seconded, and the motion passed with all in favor. Dr. Rovetti expressed interest in attending the Fall Part IV exam. Mr. Ayazi made a motion to approve. Dr. Overland seconded, and the motion passed with all in favor.
- I. Other FCLB/NBCE matters.**

Dr. Overland stated that the lawsuit is still ongoing.

Agenda Item 24 Executive Director Reports:

- A. Status of Pending Complaints – No action.**
- B. Status of Current Disciplinary Actions – No action.**
- C. Legal/Investigatory Costs – No action.**
- D. DC licenses to applicants who passed the examination from October to December 2022 – No action.**

Julie Strandberg gave an overview of the executive director's reports.

Agenda Item 25 Financial Status Reports:

- A. Current cash position & projections – No action.**
- B. Accounts Receivable Summary – No action.**
- C. Accounts Payable Summary – No action.**
- D. Employee Accrued Compensation – No action.**
- E. Income/Expense Actual to Budget Comparison as of November 30, 2022 – No action.**
- F. Budget to Actual at November 30, 2022 – No action.**
- G. 2022 Board Audit – For possible action**

Julie Strandberg gave an overview of the executive director's reports. Dr. Lurie moved to approve the 2022 board audit. Mr. Ayazi seconded, and the motion passed with all in favor.

Agenda Item 17 Discussion and potential action regarding CCEhours.com, a PACE-approved provider – For possible action.

Dr. Lurie shared his experience taking an online continuing education course through CCEHours.com. Dr. Lurie explained the number of issues that occurred while taking the online course and that he contacted the company who indicated that there are glitches with technology.

Dr. Lurie made a motion that Julie Strandberg notify FCLB – PACE of the issues with CCEHours.com. Dr. Rovetti seconded, and the motion passed with all in favor.

Agenda Item 7 Hearing and deliberation in the Matter of Mark Taylor, DC, License No. B00460, Complaint No. 22-08S – For possible action (Note: The Board may go into closed session pursuant to NRS 241.030 to consider the character alleged misconduct, or professional competence of Dr. Taylor.)

Dr. Canada stated that she is the investigating board member for complaint 22-08S and turned the chair over to Dr. Overland, Secretary-Treasurer, to open the hearing in the matter of Dr. Mark Taylor. Dr. Overland announced that with us today is Deputy Attorney General, Ms. Chricy Harris and Board Counsel Mr. Louis Ling. Dr. Overland asked Dr. Taylor if he was prepared to go forward without an attorney present and he indicated that he was. Mr. Ling stated that he spoke with Dr. Taylor moments ago and together, have agreed to admit six exhibits into the record, which were provided to Dr. Taylor, Board members and staff. Mr. Ling identified and explained each of the items that he and Dr. Taylor agreed would be stipulated into the record on this matter.

Mr. Ling stated that the board will find the facts in this case are not being contested by Dr. Taylor, but he will admit to you that he has been using a cosmetic laser and performing PRP for years within an office space that he shares with Jill Oliver, MD.

Dr. Taylor was sworn in by DAG, Chricy Harris. Dr. Overland asked Dr. Taylor if he had any comments. Dr. Taylor proceeded to explain that he does not have a practice, but is

January 12, 2023

performing laser on Glimpse Medical patients. Dr. Taylor explained that he practiced chiropractic for about 20 years and closed his practice in 2009. Dr. Taylor explained that he uses a class II cold laser that has a beam that goes through a sapphire stone, so the beam does not actually touch the face. Dr. Taylor also explained the process of performing PRP. There was extensive discussion between the board and Dr. Taylor. Dr. Overland recommended that Dr. Taylor pursue obtaining an esthetician's license through the Cosmetology Board to perform cosmetic laser.

Mr. Ling stated that there are four causes of action, first, that Dr. Taylor provided cosmetic-only laser treatment, which is not within the scope of chiropractic, second, pursuant to 634.225(1) a chiropractic physician cannot pierce or sever the skin except for diagnostic purposes or to perform dry needling, third, proper medical records were not kept pursuant to NAC 634.435(1)(e), and fourth, misrepresentation of advertisements, specifically the text provided on the Glimpse Medical website.

Mr. Ling stated that he and the investigating board member, Dr. Canada recommend that the Board, at a minimum, order that Dr. Taylor reimburse the board for its fees and costs for the investigation in this matter and potentially pay a fine, put his license in an inactive status and require that he appear before the board to reactivate his license.

Mr. Augustin made a motion to find the alleged first cause of action be proven. Mr. Ayazi seconded and the motion passed with all in favor.

Mr. Augustin made a motion to find the alleged second cause of action be proven. Mr. Ayazi seconded and the motion passed with all in favor.

Mr. Augustin made a motion to find the alleged third cause of action be proven. Mr. Ayazi seconded, and the motion passed with the exception of Mr. Augustin who opposed.

Mr. Augustin made a motion to find the alleged fourth cause of action be proven. Mr. Ayazi seconded. Dr. Lurie mentioned that, as stated by Dr. Taylor, he began using the class II laser in 2009 and the board policy to not allow chiropractic physicians to use Class II lasers was not issued until 2013. The motion passed with all in favor.

Dr. Canada recused herself from the four motions above as the investigating board member.

Dr. Lurie made a motion to order that Dr. Taylor's license be put in an inactive status and that he be required to appear before the board to re-activate his license, reimburse the boards fees and costs and pay a fine in the amount of \$5,000 for the four causes of action. Dr. Rovetti seconded, and the motion passed with all in favor. Dr. Canada recused herself as the investigating board member.

Agenda Item 27 Discussion and possible action regarding the staff evaluation for Julie Strandberg - For possible action

Dr. Overland reported that the evaluations were received by all board members with the exception of one, which indicated primarily outstanding ratings.

Dr. Overland moved that Julie Strandberg receive a 3% increase retroactive to October 1, 2022. Mr. Ayazi seconded, and the motion passed with all in favor.

Agenda Item 15 Discussion and potential action regarding a chiropractic physician's

obligation regarding the obtaining of consent before treating a minor patient – For possible action.

Due to time constraints this agenda item was tabled until the next Board meeting.

Agenda Item 16 Discussion and potential action regarding questions on the Self-Inspection Form – For possible action.

Due to time constraints this agenda item was tabled until the next Board meeting.

Agenda Item 18 Discussion and potential action regarding requiring PACE-approved providers to apply with the Board. For possible action.

Due to time constraints this agenda item was tabled until the next Board meeting.

Agenda Item 19 Discussion regarding an individual taking a live (in-person) seminar and taking an online seminar at the same time. - No action.

Due to time constraints this agenda item was tabled until the next Board meeting.

Agenda Item 20 Status report regarding anonymous profiles of possible disciplinary actions. Board action will be limited to either dismissing the matter if the Board determines there is no violation, it has no jurisdiction over the subject, or providing direction to pursue the matter further – For possible action.

- A. Complaint 19-12S (Rovetti)
- B. Complaint 20-01N (Rovetti)
- C. Complaint 21-03S (Canada)
- D. Complaint 21-29N (Canada)
- E. Complaint 21-31S (Lurie)
- F. Complaint 22-08S (Canada)
- G. Complaint 22-11S (Overland)
- H. Complaint 22-12S (Overland)
- I. Complaint 22-13S (Overland)
- J. Complaint 22-14S (Overland)
- K. Complaint 22-16N (Martinez)
- L. Complaint 22-17N (Martinez)
- M. Complaint 22-18S (Overland)
- N. Complaint 22-19S (Lurie)
- O. Complaint 22-20S (Canada)
- P. Complaint 22-21N (Martinez)
- Q. Complaint 22-22S (Canada)
- R. Complaint 22-23N (Martinez)

Due to time constraints this agenda item was tabled until the next Board meeting.

Agenda Item 22 Consideration of potential additions, deletions, and/or amendments to NRS 634 and NAC 634– For possible action.

- A. AB210 – Section 3 (5) The Board shall impose an administrative fine in an amount prescribed by regulation of the Board against a registrant that does not comply with the requirements in subsection 4.

Due to time constraints this agenda item was tabled until the next Board meeting.

January 12, 2023

Agenda Item 26 Discussion and potential action regarding the Board's 2023 meeting schedule – For possible action.

Due to time constraints this agenda item will be discussed by email.

Agenda Item 28 Public Interest Comments – No action.

There were no public comments.

Agenda Item 29 Adjournment – For possible action.

Mr. Ayazi moved to adjourn the meeting. Mr. Augustin seconded, and the motion passed unanimously.

April 6, 2023



James T. Overland Sr., DC
Secretary-Treasurer